

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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E-MANAGEMENT SOLUTIONS, INC.,	:	
	:	
Plaintiff,	:	
	:	
-against-	:	<u>ORDER GRANTING PRELIMINARY</u>
	:	<u>INJUNCTION</u>
ENHANCE PLASTIC SURGERY	:	
MEDICAL CLINIC, P.C.,	:	
	:	19 Civ. 8605 (AKH)
	:	
Defendant.	:	
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ALVIN K. HELLERSTEIN, UNITED STATES DISTRICT JUDGE:

WHEREAS, Defendant Enhance Plastic Surgery Medical Clinic, P.C. (“Enhance”) filed a motion for a preliminary injunction (the “Motion”) on February 12, 2020, Plaintiff E-Management Solutions, Inc. (“E-Management”) filed an opposition to the Motion on May 12, 2020, Enhance submitted a reply in further support of the Motion on May 15, 2020, and the Court considered these and all other filings made in connection with the Motion; and

WHEREAS, on May 19, 2020, the Court held a telephonic hearing on the Motion, made findings of fact and rulings of law, concluded for all the reasons set forth on the record that Enhance had demonstrated (a) a likelihood of success on the merits of its claim for trademark infringement in violation of Section 43 of the Lanham Act, *see* 15 U.S.C. 1125(a)(1)(A), and (b) that Enhance would suffer irreparable harm absent an injunction, and granted the Motion on the record; it is hereby

ORDERED, that, pursuant to Federal Rule of Civil Procedure 65,

1. E-Management, its agents, servants, employees, officers and all persons and entities in active concert and participation with them, are enjoined during the pendency of this action from using, or infringing on, Enhance’s marks for “ENHANCE®” and “ENHANCE PLASTIC SURGERY®,” including, without limitation, the word “enhance,” or any variant of the word “enhance,” alone or with other words, as a trademark or tradename in connection with E-Management’s business or services; and

2. E-Management shall (a) on or before June 18, 2020, remove all mention of the word “enhance,” or any variant of the word “enhance,” from E-Management’s promotional materials used alone or with other words as a trademark or trade name for its business or services, including but not limited to

its website, marketing materials, social media accounts, and any other promotional materials, and (b) on or before August 17, 2020, remove all references to the word “enhance,” or any variant of the word “enhance,” from E-Management’s places of business, including any signage and any other display in or about its business; and

3. Enhance shall, pursuant to Federal Rule of Civil Procedure 65(c), on or before May 26, 2020, post a bond in the amount of \$50,000, in form and substance acceptable to the Clerk of Court.

The Clerk is directed to close the open motion (ECF No. 13).

SO ORDERED.

Dated: New York, New York
May 19, 2020

_____/s/_____
ALVIN K. HELLERSTEIN, U.S.D.J.